**VCE / VET**

**FITNESS FOCUS – BUNDLE THREE**

**WORKBOOK ONE (of two)**

NAME \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Competencies addressed in this workbook task**

SRXINU002A - Apply Sport and Recreation Law

SRXRIK001A - Undertake risk analysis of activities

SRXRES001B - Educate the public on the safe use of a sport and recreation resource

**To accompany this workbook**

* **Sport and the Law PowerPoint (trainer resource)**
* **Play By The Rules PowerPoint (trainer resource)**
* **Legal Definitions handout**
* **Victorian Fitness Industry Code of Practice (from Bundle 2)**
* **Risk Register Chart**
* **Club Guide to Risk Management (Dept of Sport and Recreation WA)**
* **GIO Sport and Recreation**
* **Making Sport Safe (Dept of Sport and Recreation WA)**

**View the ‘Play By The Rules’ workshop PowerPoint.**

The objectives of the workshop are closely aligned to the range statements of - SRXINU002A Apply Sport and Recreation Law. In class discuss each of the objectives.

1. Objective 1. How do **YOU** think discrimination and harassment can happen in sport? 2 marks

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1. Objective 2. List any complaint policies and procedures that are in place in your sporting club or organisation 2 marks

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1. Summarise each of the 4 points of “Playing by the Rules” 4 marks

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1. Who does Equal Opportunity Law cover? 2 marks

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1. List the Commonwealth Legislation and Equal Opportunity Law applying in Victoria 2 marks

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1. Define Direct Discrimination 2 marks

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1. Define Indirect Discrimination 2 marks

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1. List 6 attributes covered by the legislation 3 marks

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1. How can discrimination happen in the sport and recreation environment ? 2 marks

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1. Define Sexual Harassment 2 marks

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1. Define Racial and Religious Vilification 2 marks

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1. Who is responsible if an Equal Opportunity complaint is lodged? 2 marks

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1. Define Vicarious Liability 2 marks

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1. List the strategy for Harassment-free Sport 1 mark

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**View the “Sport and the Law” PowerPoint.**

**Your competency in this area will be demonstrated by your application of legal knowledge to each of the case studies. Refer to your legal definitions handout to justify your decisions.**

1. What is the difference between Criminal Law and Civil Law? 2 marks

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1. From the Key terms/vocabulary slides, note which terms would apply to sport and recreation. Discuss each of these terms in class. Refer to the Legal Definitions handout to clarify each of these terms. 2 marks

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1. Read the Negligence Case Study and complete the questions
2. Did the coach owe Raylene a duty of care? 1 mark

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1. Did the coach breach that duty? Explain 3 marks

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1. Who else may be negligent? 2 marks

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1. Your Sport
2. What is the difference between “rules” and “laws”? 2 marks

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1. Discuss the statement “what happens on the field stays on the field” 2 marks

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1. Consider the following incidents.

Decide what you think the outcome for each incident should be and give reasons for your decisions.

1. While playing football. **A** deliberately strikes **B** on the side of the head with an elbow, causing serious injury: namely, a blood clot to the brain and a degree of permanent disability. **A** argues that as foul play sometimes occurs in football, **B** impliedly consented to it. Can **B** sue **A**? If so, for what? 5 marks

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1. W allegedly spear-tackled L; that is he picked up L and threw him, head first into the ground. As a result, L is a quadriplegic. W was sent off the ground, and one week later the tribunal cleared him of the spear-tackle incident. Such tackles are illegal under the rules of the game of Rugby League W said he chased after L and tackled him, L said he had been spear tackled and W’s lawyers said there was reasonable doubt. 5 marks

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1. A player, Lee, in trying to gather a rugby ball, delivers a hip and shoulder bump fairly to an opponent. The opponent sustains internal injuries as a result of the tackle. 5 marks

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1. Can he sue? Explain your answer to the following case study using appropriate terminology.

Person D was a footballer who took a high-flying mark above the pack at the Collingwood vs Carlton game at the MCG. On landing, he struck the top of an exposed in-ground sprinkler and broke his ankle. He was unable to play for the next matches and lost his match payments 5 marks

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**The Advantages of Incorporation**

The most obvious advantage of incorporation is that the club or association itself has a legal existence. This means it can as an entity:

* sue and be sued,
* own land and chattels,
* enter into tenancy or lease agreements,
* enter into contractual agreements,
* receive a bequest or gift from a will, and
* perpetually exist, that is, remain in existence no matter who is a member until it is disbanded by operation of the law.

Further, the office bearers and members are not personally liable for the debts of the association, nor the negligent acts or omissions of other office bearers and members, unless the rules specifically provide otherwise.

Liability of members to contribute towards the payment of the debts and liabilities of the association or the costs and expenses of winding up the association is limited to a sum provided in the rules.

However, incorporation does not protect the individual from liability for his/her own negligence.

An incorporated association may not be formed for the purposes of trading or earning profit for members. If the association earns a profit from commercial activity, this profit may not be distributed amongst the members.

It must be used for activities carried on by the association.

In most cases, the advantages of incorporation far out weigh the disadvantages

**Who should incorporate?**

Incorporation is advisable if the association:

* owns land or chattels,
* enters into contracts, including employment contracts,
* conducts public events and matches where other people are invited to participate,
* seeks to hold a liquor licence or permit,
* has a reasonable turnover of money,
* is likely to borrow money,
* conducts any sort of business, whether charitable or non-charitable, and
* charges fees to outsiders to see or participate in its activities.

One or more of the above would apply to most sport and recreation associations.

**The disadvantages of not incorporating your association**

An unincorporated association consists of a group of individuals who join together to form an association to pursue similar interests. The legal disadvantages of an unincorporated association arise because an unincorporated association has no legal existence separate from that of its members.  
  
Another disadvantage is that incorporation or a formal legal structure may be a pre-requisite to obtain a grant from a State or the Federal Government.

The most serious problem is the potential liability of the committee and the members of the unincorporated association. Personal liability attaches to the committee members of an unincorporated club and, in certain circumstances may also extend to the members. The committee members may therefore be sued for the debts of the club and the negligence of any of its members.

There is no legal necessity for a sport or recreation club to become incorporated if it remains a voluntary association. However any not-for-profit group with five or more members should consider the benefits of becoming incorporated. These include:

* having club members protected, to a certain extent, from being sued individually if someone is injured while involved in activities run by your club;
* improving your club’s fundraising ability and eligibility for grants. Many local councils insist on it before allocating funds; and
* making it easier to enter into leases, to open and operate bank accounts and to borrow money.

Not-for-profit sport and recreation clubs generally incorporate under State or Territory legislation known as the Associations Incorporation Act. The Acts are not identical in each State or Territory.

1. Consider the case study below in respect to “incorporation”

Person E, a professional hockey player with the Kangaroos, came back to first-class level after damaging her knee. As the situation in the game was urgent, the coach instructed her to go straight onto the field without a warm-up. Within 5 mins, she had torn a ligament and took no further part in the game. She had to go into hospital for surgery and lost six months wages and her sponsorship deal with Hockey Sports Stores.

If the Hockey Club was **not incorporated**, who would the hockey player sue? Explain using appropriate terminology. 5 marks

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**Liability Insurance**

Types of liability insurance you need to consider:

**Public Liability**

Public liability insurance protects you and your business against the financial risk of being found liable to a third party for death or injury, loss or damage of property or ‘pure economic’ loss resulting from your negligence.

**Professional Indemnity**

Professional indemnity insurance protects you from legal action taken for losses incurred as a result of your advice. It provides indemnity cover if your client suffers a loss - either material, financial or physical - directly attributed to negligent acts.

**Product Liability**

If you sell, supply or deliver goods, even in the form of repair or service, you may need cover against claims of goods causing injury or damage. Product liability insurance covers damage or injury caused to another business or person by the failure of your product or the product you are selling.

1. Considering the above information on Liability Insurance, explain why a sport and recreation workplace would need each of the above forms of insurance. 6 marks

Public Liability

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Professional Indemnity

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Product Liability

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Occupational Health and Safety (OHS) refers to the provision of a work environment that is safe and without risk. The people whom OHS concerns are the employer, employees and government authorities who provide legislation and guidelines regarding OHS. Two terms are used extensively in OHS – risk and hazard. Risk is defined by the Institute of Internal Auditors as **“the uncertainty of an event occurring that could have impact on the achievement of objectives”** Risk is measured in terms of consequences and likelihood. In terms of OHS, risk is linked to chance or likelihood of an injury, accident or fatality and the resulting consequences. A hazard is defined as **“a situation that might cause injury to you or others “ OR “ a working condition that can lead to illness or death”** Hazards are the potential for an incident or accident.

**MANAGING RISK IN THE SPORT AND RECREATION INDUSTRY**

**What is risk?**

The chance of something happening that will have an impact on your organisation’s objectives.

Examples of the risks facing organisations in the outdoor, sport and recreation industry include:

* Governance such as legal obligations of Directors and business owners
* Waivers and releases
* Natural environment, equipment and facilities
* Emergency medical plans
* Inadequate or inappropriate insurance

**Risk Management**

Insurance is a risk management/ transfer tool, which may be used to minimise a sport or recreation organisation's liability. However, it is a reactive rather than a proactive risk management tool (i.e. reduces the risk to a sport or recreation organisation when the risk arises).

Other risk management strategies should be adopted in order to reduce the risk from occurring in the first place. **Risk management** (also referred to as risk reduction or risk minimisation) is a process to reduce potential legal liability. It is a **proactive** system that attempts to address potential problem areas before they actually lead to reactively defending legal proceedings. The aim is a safer environment and "legally safer" operational procedures.

There are five components to risk management:

* risk identification
* risk assessment
* design of a risk elimination or reduction plan
* implementation of the plan
* evaluation and modification of the plan.

**Who is responsible?**

It is a key responsibility of owners, directors, boards and committees.

Everyone in your organisation should understand the risks and the likelihood that these may happen in their work. This includes paid employees, volunteers and contractors.

Refer to your state legislation for information on your organisation’s obligations.

It is important that all relevant personnel within an organisation, from management to volunteers, are involved in each stage of risk management and that commitment to a plan is obtained from all of them. Education of all personnel involved, their acceptance of the importance of risk management, and open communication of ideas is vital to a risk management plan's success and the viability of your business. The health and safety of your staff and clients should be an important part of your personal and business values that are shared as part of your staff recruitment and induction.

**Risk identification**

The first step is to identify what risks exist (or may exist in the future). It is important that people who are regularly involved in sport or recreation are involved in identifying risk areas. Administrators, coaches, instructors and even participants should be consulted. There is no substitute for actual practical experience in working out why accidents occur, or what presents a potential problem. Others who can be consulted could include a medical person with expertise in the area, an administrator who has expertise in the development of policies and procedures, and a risk manager or lawyer to give legal input.

There are a number of things that must be considered in identifying risks:

* the age of participants or users. It must be remembered that children are treated differently by the law, and those in control of or supervising children must take extra care for their safety
* the type of activities conducted
* injury history (including type of injury and cause)
* how operational procedures are conducted, and whether there have been any previous problems.
* examples of general risks to sport and recreation organisations include:
* loss of property through usual risks of fire, and burglary
* loss of assets through legal action over injuries caused by negligence, breach of contract, breach of criminal law, trade practices and occupational health and safety breaches
* legal costs associated with legal actions
* loss of sponsorship opportunities and member and general public confidence in a sport due to adverse publicity
* loss of elite level athletes through injury, which can cause further financial loss due to lost prize money, sponsorship or media and public interest.

**Risk assessment**

Once risks have been identified, they must be assessed. This means considering how often a type of accident or incident occurs, how serious an injury, or what loss an incident causes. If a particular type of accident occurs regularly with injuries being caused, or if a particular exercise or piece of equipment causes serious injury such as spinal damage, then these are high risks. All risks must be given an assessment (e.g. high, medium or low). Once risks have been assessed it is easier to determine which problem areas require the most urgent attention.

**Designing a plan**

This is the task of working out what can be done to eliminate or reduce the risks.

When designing a plan the issue of "reasonableness" must be kept in mind. Some methods of reducing risks may be impractical or unreasonable due to extreme expense. It can be a fine line to decide what is reasonable or not, but to give an example, if there is an item of playground equipment that has proven to be particularly dangerous, and it is going to be very expensive to replace, the best option may be just to remove the dangerous item.

**Implementation**

A plan is useless if it is not implemented. The initial step of implementation is usually to produce a risk management manual. This will include a statement of the purpose of the plan and procedures to be followed. One point that should be remembered is that putting such a manual and plan in place is important, but if it is not followed and an accident occurs in a situation that the manual provided a safety recommendation for, then that departure from the manual could be used as the basis for a negligence action. A risk management manual must be written clearly and provided to all relevant personnel.

**Evaluation and modification**

The keeping of records, and the continual evaluation of a risk management plan in the light of such records is crucial. Risk management procedure should include the documentation of any accidents, as well as information on the effectiveness of the risk management procedures. Statistics on continuing injuries or accident occurrences should be used to determine whether there are specific activities that require either increased precautions or supervision.

A risk management plan cannot remain static. Risks can change according to changes in the law, development of safe practices and techniques, and developing technology. Constant evaluation and updating must be done to take account of developing trends and the organisation's own experience.

**Standards**

AS/NZS 4360:1999 provides a generic guide for establishing and implementing the risk management process which involves establishing context, identification, analysis, evaluation, treatment, monitoring and review and consultation and communication. This Standard may be applied at every stage in the life of an activity, function, project or asset generated by any public, private or community enterprise or group. Order from [**saiglobal.com/shop/Script/Details.asp?DocN=stds000023835**](http://www.saiglobal.com/shop/Script/Details.asp?DocN=stds000023835)

1. Utilising the Risk Register Chart provided, make an assessment of the Hallam Senior Secondary College gymnasium. Use the following guides:

**LIKELIHOOD: What is the likelihood of potential risk occurring?**

**Descriptor Description**

Rare The event may only occur in exceptional circumstances

Unlikely The event could occur at some time

Moderate The event will probably occur at some time

Likely The event will probably occur in most circumstances

Almost certain The event is expected to occur in most circumstances

**CONSEQUENCES: What is the outcome of an event or situation?**

**Descriptor Description**

Insignificant No injuries, low financial loss

Minor First aid treatment, medium financial loss

Moderate Medical treatment required, high financial loss

Major Extensive injuries, major financial loss

Catastrophic Death, huge financial loss

**LEVEL OF RISKS**

**Likelihood Consequences**

Insignificant Minor Moderate Major Catastrophic

Rare L L M S S

Unlikely L L M S H

Moderate L M S H H

Likely M S S H H

Almost certain M S H H H

**Legend**

H High Risk Detailed research and management plan

S Significant Risk Senior management action needed

M Medium Risk Management responsibility must be specified

L Low Risk Manage by routine procedures

**Submit the completed register with this workbook**

**Emergency Action Plan**

Identify as many potential risks or emergency situations

Primary purpose of an emergency plan and evacuation procedures are to define responsibilities and educate all persons connected

*Content to consider for emergency action plan:*

* Location of al hazards
* Chain of command
* Roster of key personnel
* List of phone numbers
* Engineering plans
* Facility plans
* Exterior traffic patterns
* Vicinity maps
* Location of nearest emergency services
* Medical emergencies
* Fire
* Bomb threat
* Weather conditions

*Evacuation Procedures:*

1. decision to evacuate – make announcement advising everyone to move to nearest exit and remain calm
2. employees on duty/responsible volunteers to perform their duties
3. Press media conference to inform public

*Catastrophic Injury Plan:*

* + Protect the accident site – close off area
  + Collect vital information
    1. witnesses’ names & details
    2. any equipment involved in the accident
    3. Take photos of accident site as evidence
  + Notify appropriate people/organisations
    1. Parents of junior players
    2. Board – president & staff
    3. Insurance company
    4. Authority agencies (eg. EPA)
* Have a designated spokesperson for the media
* Communication with participants/members – provide counselling if necessary

1. Utilise the ‘Club Guide to Risk Management’ (Dept of Sport and Recreation WA).

You are a club representative for your chosen sport and will be hiring the Hallam Senior Secondary College gymnasium hall for a junior skills clinic. As the organiser for the event you need to consider all factors in planning the event.

There will 50 young players aged 9 and 10 years-old. Consider the hall environment, the age of the players, equipment, etc and develop a Risk Management Action Plan for this 3 hour event.

The risk management plan must be based on a risk assessment of the facility, equipment, event and age group of the participants.

**Complete the GIO Sport and Recreation document to submit with this workbook and assist you in completing this question.**

Carefully follow the 5 steps of risk management outlined in the Club Guide to Risk Management and include an ‘Emergency Action Plan’ for the event to conclude your risk management plan.

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30 marks

Research and presentation task on

**Education of the public on the safe use of a Sport and Recreation resource.**

In this task you will be able to make use of the research and work completed in this workbook to assist in your preparation. You will be required to address the performance criteria as outlined in SRXRES001B Educate the public on the safe use of a sport and recreation resource

1. Identify specific ***problems*** relating to safe use of the sport and recreational ***resource*** by the ***public***
2. Provide suggestion for changes to the ***educational programs***
3. Make contributions to the production of educational or informational material
   1. Plan ***presentations*** taking into account characteristics of the audience and subject matter to be presented
   2. Identify and organise required ***equipment*** and other resources
   3. Contact relevant organisations to gain information
      1. Present information in logical steps
      2. Operate equipment correctly and effectively
      3. Employ appropriate aids to help the audience understand the presentation
      4. Use language appropriate to the group
         1. Assess ***audience*** understanding and response
         2. Analyse feedback from the ***audience*** and observers
         3. Make recommendations for improvement to the presentations
            1. File and store educational program materials according to agreed procedures
            2. Adopt evaluation and feedback on programs for use on future program development
            3. Ensure records of education schedules and costings are up-to-date and accurate

The above performance criteria require you to research the current education program regarding the use of the facilities in the gym at Hallam Senior Secondary College. The context for assessment of the UOC **SRXRES001B** is as follows:

**This unit of competency must be assessed in the context of a real audience and sport or recreation resource. The environment should be safe with the hazards, circumstances and equipment likely to be encountered in a real workplace.**

In the Sport and Recreation workplace workers are expected to carry out a great variety of tasks utilising resources and equipment which may be hazardous if not set up and used correctly. A key aspect of their role will be to ensure that their clients appreciate and understand how to use these resources safely.

1. Based on this information, make some suggestions about some possible changes to the education program.

Research, plan and present a brief education program on the use of a specific item of equipment in the gym. This needs to take into account the age of the audience.

Prepare a method of assessing the understanding of the audience at the completion of your presentation and make suggestions for improvement to your presentation.

Plan for a method of filing the education program for its future use within the school community.

**\* This presentation can take the form of a poster or multi media presentation. All other research and information needs to be presentation of a word doc**